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HUMAN RIGHTS COMMITTEE
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

Costa Rica

1. The Committee considered the third periodic report of Costa Rica (CCPR/C/70/Add.4) at its 1298th to 1300th meetings held on 25 and 26 March (CCPR/C/SR.1298-1300) and adopted */ the following comments.

A. Introduction

2. The Committee welcomes the opportunity to continue its dialogue with the State party but notes with regret that its report did not contain sufficient information on the implementation in practice of the Covenant. The Committee notes that the delegation provided useful information on several points not covered in the report.

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*/ At its 1315th meeting (fiftieth session), held on 6 April 1994.

3. The Committee expresses its concern over the inadequate steps taken by the State party properly to discharge its reporting obligations under article 40 of the Covenant. In this regard, the Committee regrets that its observations at the consideration of the second periodic report were not taken into account during the preparation of the third periodic report. Furthermore, the third periodic report did not at all conform to the reporting guidelines established by the Committee. The Committee is also concerned that the report was neither adequately publicized in Costa Rica nor available to the public or human rights organizations in Costa Rica in advance of its consideration by the Committee.

B. Factors and difficulties affecting the application of the Covenant

4. The Committee notes that there was no indication in the report concerning factors and difficulties affecting the application of the Covenant.

5. The Committee understands that a rising crime rate has considerably increased the workload of the judiciary.

C. Positive aspects

6. The Committee takes note with appreciation of the level of achievement in the enjoyment of human rights in Costa Rica. It notes with satisfaction the measures undertaken by the Government to protect human rights at the national level, such as those offices established for the protection of human rights, women, children and detainees and the recently established Office of the Defender of the Inhabitants. In particular, the Committee expresses its satisfaction with the good will demonstrated by the Government to achieve effective protection of human rights and the progressive approach it has adopted to incorporate international human rights standards into the domestic legal order. The Committee expresses its appreciation for the major contribution by Costa Rica aimed at strengthening international efforts to promote and protect human rights.

D. Principal subjects of concern

7. The Committee notes with concern that, in view of the inadequate information which has been provided by the State party, it is unclear to what extent the rights of detainees are protected in actual practice, particularly the right to liberty and security of person and the right of appeal. In that connection, concern is expressed at the present level of protection for detainees regarding lengthy pre-trial detention. Concern is also expressed at the inadequacy of training on human rights standards, particularly the provisions of the Covenant, provided to the police and security forces and the extent to which their activities are monitored.

8. The Committee notes with concern that many labour regulations, particularly those relating to freedom of association as protected under article 22 of the Covenant, are not in conformity with international standards. In particular, the Committee further notes that the rights of workers employed by small agricultural businesses, especially those who wish to form unions in coffee and sugar cane plantations, may not be protected under the current legal regime. Additionally, there is concern that the system of "solidarity" organizations (asociaciones solidaristas) may prevent the effective enjoyment of those rights in general.

9. With respect to article 18 of the Covenant, the Committee is concerned at the pre-eminent position accorded to the Roman Catholic Church. The Committee also notes with concern that certain provisions of Costa Rican legislation (inter alia, the Ley de Carrera Docente) confer on the National Episcopal Conference the power to effectively impede the teaching of religions other than Catholicism in public schools and the power to bar non-Catholics from teaching religion in the public school curricula.

10. The Committee notes with concern that many laws aimed at promoting gender equality have not had their intended effect and that there is still much progress to be made in this regard.

E. Suggestions and recommendations

11. The Committee recommends that existing measures to protect the rights of detainees be strengthened. In this connection, the Committee emphasizes the importance of closely monitoring pre-trial detention, and the need for prompt investigation into reports of

abuse. The Committee stresses the importance of adequate training for the police and other security forces and prison personnel with respect to the relevant provisions of the Covenant as well as other applicable international human rights standards, including the Standard Minimum Rules for the Treatment of Prisoners.

12. The Committee suggests that the Government consider steps to review and, where necessary, reform labour legislation to ensure that freedom of association, as guaranteed under article 22 of the Covenant, is enjoyed by all workers in Costa Rica and, in particular, that workers in small agricultural enterprises are free to organize.

13. The Committee recommends that the State party take steps to ensure that there is no discrimination in the exercise of the right to religious education, particularly with respect to access to religious teachings other than Catholicism. Current practices which make the selection of religious instructors subject to the authorization of the National Episcopal Conference are not in conformity with the Covenant.

14. The Committee recommends that further measures be taken to combat gender inequality and to improve the situation of women in Costa Rica.

15. The Committee strongly urges the Government to prepare its fourth periodic report in compliance with the guidelines for the preparation of State party reports and take into account concerns expressed during the consideration of the third periodic report. The Committee emphasizes that Costa Rica should be prepared to report on, and participate in, a dialogue on each article of the Covenant; and that this obligation is not negated by the fact that Costa Rica believes that it has given some of the relevant material to another treaty body. The fourth periodic report should contain, inter alia, detailed and updated information on the extent to which each of the rights protected under the Covenant, including article 27, are enjoyed in actual practice, and measures which had been taken during the reporting period to further implement the Covenant. The Committee emphasizes that the State party should not underestimate the importance of properly fulfilling its obligations under article 40 of the Covenant. In that connection, attention is drawn to the fact that appropriate advice and training for the submission of reports might be obtained from the Centre for Human Rights.

16. The Committee underlines the importance of involving concerned professional organizations, non-governmental organizations (NGOs), the media and the general public in efforts to improve the application of the Covenant. To this end, the State party should ensure that its reports under article 40 of the Covenant are publicized and readily accessible in Costa Rica in advance of their consideration by the Committee. Additional measures should be taken with a view to make provisions of the Covenant more widely known among judges, lawyers, teachers and the general public.